

Exhibit 2

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RONALD J. MILLER, on behalf : Civil Action
of himself and all others :
similarly situated, :
Plaintiff, : No. 12-1715
-v- :
TRANS UNION, LLC, :
Defendant. : CLASS ACTION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BRIAN DOUGLAS LARSON, on : Case No.
behalf of himself and all :
others similarly situated, :
Plaintiff, :
-v- :
TRANS UNION, LLC, :
Defendant. : 3:12cv-05726

CONFIDENTIAL DEPOSITION

Oral videotaped deposition of JAMES GARST,
taken at 1450 East Touhy Avenue, Des Plaines,
Illinois, on Tuesday, November 4, 2014, beginning
at approximately 9:00 a.m., before Elvira Molnar,
Certified Shorthand Reporter of the State of
Illinois.

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1 Will you be able to give testimony on
2 that?

3 A. Yes.

4 Q. Thank you. And I can tell that you're
5 anticipating some of my questions. I will just
6 give you an instruction to please wait until I am
7 done, and then I'll give you the same courtesy of
8 waiting until your full answer is done, because
9 that just makes it easier for the court reporter to
10 take down one of us at a time, okay?

11 A. Uh-huh.

12 Q. Is that a yes?

13 A. Yes.

14 Q. Another instruction is even though we do
15 have a video, I would request that you give me oral
16 responses so we have a clear transcript, as well,
17 okay, sir?

18 A. Yes.

19 Q. Now, another topic where I understand you
20 will be prepared to give testimony today speaking
21 for Trans Union is Subject C of Garst 1, where it
22 asks for Trans Union's quality control measures and
23 testing for online communications of information to
24 consumers concerning OFAC alerts or other OFAC

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1 related information from February, 2008, to the
2 present.

3 Do you see that?

4 A. Yes.

5 Q. And are you able to give testimony on that
6 subject matter for Trans Union today?

7 A. Yes.

8 Q. I believe Garst 2 has virtually the same
9 exact question to cover communications related in
10 the Larson case.

11 You're able to give testimony on that
12 subject matter?

13 A. Yes.

14 Q. And I believe the last subject area for
15 which you are designated to give some testimony
16 today is in the Miller case, and that is Subject E
17 of Garst 1. It asks for any sale of OFAC alert or
18 OFAC related information on any reports sold to any
19 third party, so that would be a bank, for example,
20 about the plaintiff, Mr. Miller, from 2007 to the
21 present.

22 Are you able to testify about that?

23 A. Yes.

24 Q. Okay. So, the subject of your testimony

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1 Q. And the tech lead, Saneal G, we are both
2 having a difficult time with the last name, so
3 we'll just call him Saneal G, why does he stand out
4 in your memory?

5 A. Because as the tech lead he is the -- he
6 is the primary responsible for the development team
7 and testers responsible for delivering the
8 function.

9 Q. So that I understand this in plain
10 English, I understand your work is technical in
11 nature, but when we are talking about developing,
12 are we talking about writing the code that will
13 make the disclosure work?

14 A. Yes.

15 Q. And when we are talking about testing, are
16 we talking about quality control testing to make
17 sure that it works, the disclosure works, as it's
18 supposed to?

19 A. Yes.

20 Q. Okay. And is Saneal G the person
21 primarily responsible for both the initial code
22 writing and the testing?

23 A. Yes.

24 Q. Mr. Garst, are you technically familiar

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1 with the program code writing to be able to review
2 it yourself for accuracy to make sure that it's
3 done properly?

4 A. No.

5 Q. And how about with respect to the testing
6 to see that the code functions as it should, are
7 you technically familiar with how the testing
8 should be done?

9 A. Yes.

10 Q. And how -- how did you come to be familiar
11 with the testing aspect?

12 A. I am familiar with the -- I became
13 familiar with how to test software through the
14 projects that I participated in as a business
15 analyst and a project manager over the course of my
16 career.

17 Q. Did you have consistent interaction with
18 Saneal G during the time period of the 2011 OFAC
19 online disclosure project?

20 A. No.

21 Q. Was there anybody in particular
22 responsible for overseeing the work of Saneal G?

23 A. Primarily Brian Thackrey.

24 Q. Anybody else?

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1 A. Not to my knowledge.

2 Q. Okay. During the time period when you
3 were program manager for consumer relations
4 systems, did you yourself personally engage in the
5 testing of any code to see that it was working
6 properly?

7 A. During some projects I did some testing.

8 Q. In other projects you had oversight
9 responsibility, but you didn't do the testing
10 yourself?

11 A. Correct.

12 Q. But you're familiar with how to do it?

13 A. Yes.

14 Q. Have you ever seen projects that you have
15 supervised where the testing had failed and the
16 program did not function as it should?

17 A. Yes.

18 Q. How many times?

19 A. I couldn't estimate. Defects, what we
20 call defects, are relatively common in software
21 development.

22 Q. So, when you say defects, is that also
23 sometimes we hear that there is a bug in the
24 program?

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1 A. Yes.

2 Q. So, is that a relatively frequent
3 occurrence in your experience where there is a bug
4 in a program?

5 A. Relatively frequent, yes, from a minor --
6 a minor bug or minor defect standpoint, yes.

7 Q. And are you familiar with other situations
8 where not even the quality control testing at
9 Trans Union caught the bug before the program was
10 rolled out?

11 A. Yes.

12 Q. How many such situations during your time
13 at Trans Union?

14 A. I don't know.

15 Q. More than 10?

16 A. Yes.

17 Q. More than 20?

18 A. Yes.

19 Q. More than 50?

20 A. I don't know.

21 Q. All right. Let's shift gears for a moment
22 and talk about what, if anything, you did to
23 prepare to give testimony today on those five I
24 believe subject matters that we went over at the

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1 the third circuit and also in the State of
2 California?

3 A. Not -- no. I did not have the ability to
4 search for the OFAC header itself. I -- my queries
5 searched for the data conditions that led to the
6 OFAC header appearing.

7 Q. Okay. So, would you explain that for the
8 record in some more detail?

9 A. Sure. The defect occurred -- the defect
10 of the OFAC header text displaying when it should
11 not have displayed occurred whenever there was any
12 other additional information present on a
13 consumer's file for their disclosure delivered
14 online during the time period of the issue. The
15 other information that would be there that would
16 have triggered this defect and this display of the
17 header information was either inquiry analysis data
18 being present on the file or a special message. I
19 believe it's called special messages on here. Yes,
20 special messages.

21 Q. Okay. So, to summarize, your inquiry was
22 for the defect as you called it?

23 A. Yes.

24 Q. And you agree with me that the document

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1 that we have here as Garst 5 for Mr. Miller
2 contained the defect that you searched for?

3 A. Yes.

4 Q. And namely the defect had an OFAC message
5 delivered to the consumer, even though one should
6 not have been there at all, correct?

7 A. Yes. It had the OFAC header text
8 displayed, even though it should not have
9 displayed.

10 Q. And the OFAC header text should not have
11 displayed because there is no OFAC match or
12 possible match between this consumer and anything
13 on the OFAC list, correct?

14 A. Correct.

15 Q. And am I also correct that part of the
16 defect was that that section under possible OFAC
17 match, the bottom says the OFAC record that is
18 considered a potential match to the name on your
19 credit file is colon, and then there is just
20 nothing after the colon?

21 A. Correct.

22 Q. That's part of the defect, correct?

23 A. Correct.

24 Q. So, the way the program was supposed to

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1 work was how?

2 A. The way the program was supposed to work
3 was the -- the web site delivering the disclosure,
4 it reads -- it reads -- the disclosure data is
5 delivered to that web site in an XML format. The
6 web site is supposed to read that XML. And if only
7 if there is an OFAC record present in that
8 disclosure XML is it's supposed to display both the
9 header text and the OFAC message itself that would
10 be where this blank space is.

11 Q. Okay. So, if I understand this correctly,
12 your testimony is that the reason why the OFAC
13 header appeared had nothing to do with a match on
14 the OFAC list, but everything to do with the fact
15 that Mr. Miller's report contained an inquiry
16 analysis as part of the additional information
17 section?

18 A. That's correct.

19 Q. And you said also if that additional
20 information section contained any special messages
21 that would also improperly trigger the OFAC
22 disclosure to appear where it shouldn't, correct?

23 A. Correct.

24 Q. Is it your testimony, Mr. Garst, that the

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1 defect was in the appearance of the OFAC header
2 with a colon and nothing afterwards in situations
3 where it should not have appeared at all?

4 A. Yes.

5 Q. All right. The language of the OFAC match
6 header you don't consider to be a defect, correct?

7 MR. NEWMAN: Objection, outside the scope of
8 the notice. Go ahead.

9 BY MR. SOUMILAS:

10 Q. Let me ask it another way.

11 If a program worked as it should, and
12 there was an actual match between a credit
13 applicant and the OFAC list, would you agree with
14 me that the OFAC header would appear here, would
15 appear on the file disclosure?

16 A. Yes.

17 Q. And also the matching information from the
18 OFAC list should appear after the colon, correct?

19 A. Correct.

20 Q. So, if let's say that there was a match
21 between an applicant named Charles Taylor and a
22 match on the former Liberian president
23 Charles Taylor, that would be a situation where the
24 OFAC header would appear with information after the

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1 colon concerning the possible match?

2 MR. NEWMAN: Objection, incomplete
3 hypothetical. Go ahead.

4 BY MR. SOUMILAS:

5 Q. Is that correct?

6 A. Yes, if Charles Taylor is on the OFAC
7 list.

8 Q. Right. And in situations where -- in
9 situations like that where there is someone who is
10 considered to be a potential match, Trans Union
11 continues to use this OFAC header, correct?

12 MR. NEWMAN: Objection. Go ahead.

13 THE WITNESS: My understanding is that yes we
14 continue to use the OFAC header.

15 BY MR. SOUMILAS:

16 Q. Trans Union considers nothing defective
17 about the header itself, correct?

18 MR. NEWMAN: Objection, outside the scope of
19 the notice, but go ahead.

20 THE WITNESS: I am not aware of any current
21 defects related to the OFAC header text or
22 delivery.

23 BY MR. SOUMILAS:

24 Q. Okay. And the defect you specifically

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1 searched for is the appearance of the header data
2 with a colon and nothing afterwards in situations
3 where it should not have appeared at all but did
4 because of a programming error, correct?

5 A. Correct.

6 Q. And that error somehow caused the OFAC
7 header with a colon and no matching data afterwards
8 to appear in situations where the consumer simply
9 had an inquiry analysis or any special message as
10 part of the additional information section of their
11 file, is that also correct?

12 A. Correct.

13 Q. All right. And that's the case for
14 Mr. Miller as we see here in Garst 5, correct?

15 A. Uh-huh.

16 Q. Is that a yes, sir?

17 A. Yes.

18 Q. And that's also the case for Mr. Larson,
19 which we see as part of Garst 6, would you agree
20 with that?

21 Yes, please take a look at Garst 6.

22 A. Yes, I would agree with that.

23 Q. So, both the Miller disclosure that we
24 have as Garst 5 and the Larson disclosure that we

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1 have as Garst 6 suffer from the same defect,
2 correct?

3 A. Yes.

4 Q. And let's talk a little bit more about how
5 that came to be. Are you familiar with when
6 Trans Union originally made any OFAC information
7 available as part of the online disclosures to
8 consumers?

9 A. We deployed the functionality to display a
10 possible OFAC match section in September of 2011.

11 Q. Do you remember the exact date?

12 A. September 22nd, I believe.

13 Q. And was that functionality not implemented
14 in any form prior to September 22, 2011?

15 A. Not for the online disclosure.

16 Q. Okay. So, could you explain that?

17 A. Prior to September 22nd, 2011, if the
18 system would check if there was an OFAC message
19 present, it would not deliver the disclosure online
20 if an OFAC message was present.

21 Q. But if a consumer were to ask for their
22 file disclosure to be mailed to them in paper
23 format at their home, would the system disclose a
24 possible OFAC match?

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1 A. Yes.

2 Q. Okay. So, there was a period of time for
3 which there was a possible OFAC match header as you
4 called it as part of paper disclosures, but not
5 online disclosures?

6 A. Correct.

7 Q. Do you know when the possible OFAC match
8 header started appearing on the paper disclosures
9 at Trans Union?

10 A. In February of 2011.

11 Q. And do you know why at that time the
12 online file disclosures would not show the same
13 thing as the paper version?

14 A. I don't recall.

15 Q. Were you involved at all with the project
16 to add the OFAC data header to the paper
17 disclosures in February, 2011?

18 A. As I was the project -- for the program
19 manager at the time, yes, I would have been the
20 program manager for that project, as well.

21 Q. Do you have any recollection as to why
22 that additional disclosure field was rolled out at
23 two different time periods; one for the paper
24 disclosures and, then, later about eight months

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1 later for the online disclosures?

2 A. I don't remember the specifics of that
3 decision.

4 Q. Do you recall who else -- you said you
5 were the project manager for the paper disclosures
6 in February of 2011?

7 A. The program manager.

8 Q. Program manager. Who was the project
9 manager?

10 A. I don't recall.

11 Q. Looking back on it, was it Trans Union's
12 intention to not include the OFAC header in online
13 disclosures until a period of time later than the
14 paper disclosures, or was that just an oversight?

15 MR. NEWMAN: Objection, misstates testimony.
16 Go ahead.

17 BY MR. SOUMILAS:

18 Q. Do you understand my question?

19 A. I do understand the question. It to my
20 remembrance it was not an oversight. It would have
21 been a deliberate decision based on -- based on
22 variables at the time.

23 Q. And what do you mean by that?

24 A. I can speak in generality about the

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1 A. Because when we discovered the defect in
2 -- later in October, we used the support tool for
3 to view the online disclosures that were delivered
4 as far back as when we deployed the functionality
5 on September 22nd and saw the error.

6 Q. Would you conclude from that that the
7 defect was a result of the original coding for that
8 online disclosure?

9 A. For that change to the online disclosure,
10 yes.

11 Q. And would you agree with me that the
12 testing, whatever testing was conducted before the
13 online OFAC disclosure went online on September 22,
14 2011, did not catch the defect?

15 MR. NEWMAN: Objection, misstates testimony.
16 Go ahead.

17 BY MR. SOUMILAS:

18 Q. Well, let me break it down. Are you of
19 the opinion that there was some testing before
20 September 22nd, 2011, to make sure that the OFAC
21 online disclosure was functioning properly?

22 A. Yes, that was my understanding.

23 Q. Okay. And would you agree with me that
24 whatever testing of that code was conducted prior

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1 to September 22nd, 2011, did not catch the defect?

2 A. Yes.

3 Q. The defect was detected later in October
4 you said, correct?

5 A. Yes.

6 Q. How did it come -- first come to
7 Trans Union's attention that this defect existed
8 for the online OFAC disclosure?

9 A. My understanding is that around it was
10 either October 19th or October 20th we got reports
11 from our consumer relations operations group that
12 they were getting phone calls from consumers about
13 seeing the possible OFAC match section on their
14 online disclosures and wanting to dispute it.

15 Q. Who from consumer relations brought that
16 to whose attention?

17 A. It was either Lisa Dickens or Denise
18 Burdell, but I can't recall which one of them
19 exactly.

20 Q. And they brought it to your attention?

21 A. No. It was brought to somebody else's
22 attention.

23 Q. Who -- whose attention was it brought to?

24 A. I believe it's Brian Thackrey, but I don't

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1 recall exactly.

2 Q. And is it your understanding that there
3 were consumers who were calling Trans Union with
4 questions or disputes about this OFAC information
5 appearing on their files?

6 A. It was presented to us as the operations
7 group has operators that are trying to dispute the
8 presence of the OFAC message on consumers' files
9 and not able to do it because that functionality
10 required an OFAC message to be present in order to
11 dispute it. And since these consumers did not
12 actually have an OFAC message present, they could
13 not dispute it.

14 Q. So, let me see if I understand this. The
15 consumers relations operators were trying to
16 process disputes to remove inaccurate OFAC matches,
17 is that correct?

18 A. They were getting requests from consumers
19 to remove OFAC -- the possible OFAC match, you
20 know, from the consumer's credit report and were
21 unable to.

22 Q. And the reason why they were unable to is
23 because of this defect, correct?

24 A. Yes, because the defect -- the defect only

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1 appeared on the online web site itself. The core
2 consumer relations system that the operators use
3 did not have that defect and did not see an OFAC
4 message present.

5 Q. So, the operators who would be handling
6 the consumer calls couldn't even really see what
7 the consumers were talking about?

8 A. That's correct.

9 Q. How many consumer calls did Trans Union
10 receive between September 22, 2011, when the
11 disclosure for OFAC went online and October 19th or
12 20th when someone from consumer relations brought
13 it to probably Mr. Thackrey's attention?

14 A. I don't know.

15 Q. Is there a way of finding that out?

16 A. Not to my knowledge.

17 Q. Do you have any reason to believe that
18 the -- there were not calls of that nature
19 throughout the month period between September 22,
20 2011, and October 19th or 20th, 2011?

21 A. I don't have any way to answer that. I
22 don't know if -- I don't know if there were calls
23 or not. The -- historically the consumer relations
24 operations group was very good at notifying us when

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1 for those consumers because the system does not
2 allow disputing when there is no presence of the
3 OFAC message there itself. So, I did not -- I did
4 not find -- I did not find OFAC disputes in the
5 system.

6 Q. Got it. But you know there must have been
7 disputes, otherwise Ms. Burdell or Ms. Dickens
8 would have had nothing to bring to your attention?

9 A. Correct.

10 MR. NEWMAN: Wait for him to finish the
11 question.

12 THE WITNESS: I understand. Correct, I am
13 aware of phone calls, phone calls to consumer
14 relations operators complaining or disputing that
15 the presence of the OFAC header information on
16 their files.

17 BY MR. SOUMILAS:

18 Q. Do you know how -- what percentage of
19 online file disclosures suffered from this defect?

20 A. On Friday the 21st I did an analysis of
21 all of the disclosures on the 20th that were
22 delivered online on October 20th and found that
23 **REDACTED** percent of the online disclosures
24 delivered would have had the issue based on the

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1 presence of inquiry analysis or special messages on
2 the file.

3 Q. So that was a sampling of one day,
4 basically?

5 A. Correct.

6 Q. Did you do any other samplings for any
7 other time periods concerning the frequency of the
8 defect appearing on online disclosures?

9 A. I don't recall.

10 Q. If I understood your testimony correctly
11 about disputes before, because the consumer
12 relations systems operators could not see or
13 address the problem of the defect, there is
14 absolutely no way of knowing how many people
15 actually called and disputed, correct?

16 A. That's correct.

17 Q. You know when you reviewed the overall
18 dispute rates between paper disclosures and online
19 disclosures that you testified about previously?

20 A. Yes.

21 Q. What was in terms of percentages the
22 overall dispute rate for paper disclosures?

23 A. I don't remember the exact number. I
24 remember it being around REDACTED

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1 [REDACTED]

2 Q. And how about for online disclosures by
3 comparison?

4 A. I believe it was around [REDACTED]. I
5 remember the difference being [REDACTED]

6 Q. Do you infer from that that the overall
7 dispute rate for any type of a problem that a
8 consumer brings to Trans Union's attention either
9 as a result of an online disclosure or a paper
10 disclosure is roughly between [REDACTED] percent
11 of the time?

12 THE WITNESS: The analysis that I did was -- I
13 would say not without doing further analysis. The
14 analysis I did was for a very specific time period
15 in 2011, and I am not sure that that represents
16 current state or, you know, other times, you know,
17 during the history of the consumer relations
18 platform.

19 BY MR. SOUMILAS:

20 Q. I'm sorry, you looked at what time period?

21 A. I looked for disputes, disputes that came
22 in from consumers within a month of getting their
23 online disclosure or their print disclosure with
24 those conditions.

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1 Q. But this was in the September/October
2 2011, time frame, correct?

3 A. Correct.

4 Q. And you found them to be between REDACTED
5 REDACTED percent, correct?

6 A. Correct.

7 Q. Would you agree with me that if the OFAC
8 header was disputed with the same overall frequency
9 as other types of disputes that Trans Union would
10 have received, I don't know what the math is
11 exactly, but REDACTED disputes per day about the
12 OFAC defect if, in fact, there were REDACTED such
13 disclosures per day?

14 MR. NEWMAN: Objection, incomplete
15 hypothetical, calls for speculation.

16 THE WITNESS: If the dispute rate for OFAC was
17 similar to dispute rate for other items on the
18 credit file, then, yes. However, the dispute rate
19 -- my knowledge of dispute rate for OFAC, you know,
20 is not the same as dispute rate for other items
21 based on my experience looking at the data.

22 BY MR. SOUMILAS:

23 Q. Okay. At any rate, we don't know the
24 exact number of disputes because they were just not

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1 tracked because the system would just not allow it
2 to be tracked because of this defect?

3 A. Correct.

4 Q. All right. But once the problem is
5 brought to your attention, your team's attention,
6 October 19th and 20th, do they fix it?

7 A. We fixed it. We fixed it by October 28th.

8 Q. How long did the fix take?

9 A. Can you -- I don't understand the
10 question.

11 Q. Okay. Strike the question, actually.

12 Other than consumers, did anybody else
13 bring to Trans Union's attention that this defect
14 was causing OFAC information to appear on the
15 consumer files of consumers who had no association
16 with the OFAC list whatsoever?

17 A. It was brought to our attention on
18 October 27th that the treasury -- Department of the
19 Treasury, the actual OFAC office had called our
20 legal counsel to let them know that they had been
21 getting calls from consumers.

22 Q. So the Department of the Treasury OFAC
23 office brought this defect to Trans Union's
24 attention for the first time on October 27th,

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1 correct?

2 A. It was brought to the IT team by our
3 internal legal counsel on the 27th. My
4 understanding is that she had a call with the
5 Department of the Treasury the day before on the
6 26th.

7 Q. The defect was corrected on the 28th?

8 A. Correct.

9 Q. Do you know what was done to correct the
10 defect?

11 A. It was a -- there was a code fix made to
12 ensure that the OFAC header only displayed when an
13 OFAC match was sent in the X amount to the
14 receiving application.

15 Q. What was the code fix? What specifically
16 was done?

17 A. I can't speak to the specific code fix
18 itself.

19 Q. Who performed the code fix?

20 A. The Saksoft development team.

21 Q. Was it Saneal G and his team?

22 A. Correct.

23 MR. NEWMAN: We have been going for a while.
24 Should we take a little break?

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1 BY MR. SOUMILAS:

2 Q. Do you have -- have you reviewed any
3 record of any quality control testing conducted by
4 Trans Union concerning the 2011 OFAC online
5 disclosure prior to it being rolled out on
6 September 22nd, 2011?

7 A. Not in any of the materials that I
8 reviewed.

9 Q. Okay. Have you reviewed any record of any
10 quality control testing by Saksoft concerning the
11 OFAC online disclosure prior to October 22nd, 2011?

12 A. No, not in any of the materials I
13 reviewed.

14 Q. Would you agree with the proposition that
15 the testing failed to catch the defect?

16 MR. NEWMAN: Objection, vague as to time.

17 BY MR. SOUMILAS:

18 Q. The testing failed to catch the defect
19 prior to it being rolled -- the online disclosure
20 being rolled out on September 22nd, 2011?

21 A. Yes.

22 Q. And what could have been done in your
23 experience to avoid that defect in the first place?

24 A. In my experience overall you could do more

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1 testing. You could involve more people doing the
2 testing. You could -- those were the two -- those
3 are the two main concepts I would introduce.

4 Q. All right. And more testing are you
5 talking about a review of the code after it's
6 written, is that part of the testing that could
7 have been done?

8 A. Yes. So, testing could include more
9 deeper code review with -- with additional people.
10 It could involve performing more test cases, you
11 know, against that code. Things like that.

12 Q. So, you're familiar with dynamic testing
13 of software programs? Are you familiar with that
14 concept?

15 A. I am not familiar with the concept of
16 dynamic testing. I don't know what that is.

17 Q. Okay. Are you familiar with static
18 testing of computer programs like these?

19 A. This -- not this specific terminology.

20 Q. Okay. Are you familiar with white box
21 testing?

22 A. I am familiar with it, but could not
23 explain it.

24 Q. How about black box testing?

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1 A. Again, I am familiar with it, but could
2 not explain it.

3 Q. How about gray box testing?

4 A. I am not familiar with that.

5 Q. Okay. Are you aware of how many test
6 cases the code was tested on prior to September 22,
7 2011, before it went online, to determine whether
8 it was working properly?

9 A. No.

10 Q. Are you familiar with how many test cases
11 Trans Union would typically run to test an online
12 disclosure before making it available to the
13 general public?

14 A. Typically for the full disclosures there
15 are hundreds of test cases.

16 Q. How many hundreds?

17 A. I don't know specifically.

18 Q. How many test cases were conducted with
19 respect to the OFAC online disclosure prior to
20 September 22, 2011?

21 A. I don't know.

22 Q. Do you know how much money Trans Union
23 paid Saksoft for its programming services to roll
24 out the online OFAC disclosure prior to

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1 September 22, 2011?

2 A. No.

3 Q. After the defect was brought to
4 Trans Union's attention, did Trans Union go back
5 and specifically inquire with Saksoft about what
6 type of testing it had conducted before rolling out
7 the disclosure online?

8 A. I -- in the materials I saw that it was
9 the specific question of was it tested, you know,
10 as it was specified, and the answer was yes.

11 Q. So, the materials you mean e-mail?

12 A. Correct.

13 Q. So, do you know specifically as a
14 follow-up to that e-mail what type of testing
15 Saksoft conducted on the OFAC online product before
16 making it available to consumers online on
17 September 22, 2011?

18 A. No, I don't know specifically.

19 Q. And during the time of the fix did
20 Trans Union go back and get any type of an audit or
21 a report from Saksoft as to what failed in the
22 testing in the first instance which did not catch
23 the defect?

24 A. I don't know.

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1 Q. You are here to testify on behalf of
2 Trans Union, Mr. Garst, on the subject of quality
3 control measures and testing for online
4 communications of information to consumers
5 concerning OFAC alerts. What specific item of
6 quality control testing are you familiar with which
7 Trans Union conducted prior to rolling out the
8 online OFAC file disclosure on September 22, 2011?

9 A. I am familiar with the general process and
10 procedure with which we developed and tested
11 applications.

12 Q. Are you familiar with a single specific
13 test or quality control measure that was, in fact,
14 followed in the case of preparing the OFAC online
15 disclosure prior to September 22, 2011?

16 A. Not specifically.

17 Q. Would you agree with me that whatever
18 testing, if any, quality control testing was
19 conducted, it failed to catch this defect?

20 A. I would agree.

21 Q. Turning your attention, Mr. Garst, to
22 Garst 3 and 4. Those were the interrogatory
23 responses. You will recall that we had talked
24 about Interrogatory Response No. 1 in both exhibits

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1 in Interrogatory Response No. 1 for the Miller case
2 and separately for the Larson case which you have
3 not explained today?

4 A. I don't believe so.

5 Q. Okay. And going back to the previous
6 subject matter that you testified about, is there
7 any part of the quality control in testing of the
8 online disclosure of the OFAC data between
9 September 22, 2011, and October 27, 2011, which you
10 have not testified about today?

11 A. I think the only thing that I would say
12 about the quality control is that it was rare for
13 us to have defects from the Saksoft development
14 team. As for of all of the development teams that
15 we have worked with to develop functionality around
16 the consumer relations platform, Saksoft was one
17 that typically had very high quality.

18 Q. And you know how earlier in the day you
19 told me of other instances where bugs as we call
20 them were not caught during the program development
21 process? Yes?

22 A. Yes.

23 Q. How many different vendors for program
24 developing does Trans Union use?

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1 A. We have during the time -- during the time
2 of this incident we were working with Saksoft for
3 the online disclosure development, we were also
4 working with its Cap Gemini now, and the name of
5 the company escapes me. Before they became
6 Cap Gemini, that had happened between then and now,
7 but we had a vendor that provided development and
8 testing resources for other areas of the consumer
9 relations platform, system platform. And, then, we
10 had also Trans Union associates who were analysts,
11 developers and testers on the platform.

12 Q. And among those three groups, Saksoft,
13 Cap Gemini and the Trans Union in-house folks, who
14 had -- have you ever conducted a study as to who
15 had the highest frequency of programming errors?

16 A. No, we have never conducted a study like
17 that.

18 Q. Okay. Is it just anecdotal that you're
19 saying that among those three groups your
20 perception is that Saksoft was the one least likely
21 to not catch the bugs?

22 A. Yes.

23 Q. But you can't tell me right now that
24 Saksoft catches its bugs on such percentage of

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1 programming projects as opposed to Cap Gemini as
2 opposed to Trans Union in-house?

3 A. No, I cannot.

4 Q. And do you know overall how many
5 programming bugs Saksoft has not been able to catch
6 in its testing in relation to the total number of
7 projects that Trans Union has given it to program?

8 A. No, I do not.

9 Q. Have you ever conducted this type of an
10 analysis?

11 A. No.

12 Q. Even after this situation you didn't go
13 back and take a look at how frequently Saksoft does
14 the job right?

15 A. That's correct.

16 MR. SOUMILAS: Let's go off the record.

17 THE VIDEOGRAPHER: The time is 11:32. We are
18 off the record. That's the end of disc number one.
19 The time is 11:33. We are off the record.

20 (Whereupon, there
21 was a short break.)

22 THE VIDEOGRAPHER: This is the beginning of
23 disc number two. The time is 11:38. We are back
24 on the record.

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1 STATE OF ILLINOIS)

2) SS:

3 COUNTY OF L A K E)

4 I, Elvira M. Molnar, a Certified Shorthand
5 Reporter of the State of Illinois, do hereby
6 certify:

7 That previous to the commencement of the
8 examination of the witness, the witness was duly
9 sworn to testify the whole truth concerning the
10 matters herein;

11 That the foregoing deposition transcript
12 was reported stenographically by me, was thereafter
13 reduced to typewriting under my personal direction
14 and constitutes a true record of the testimony
15 given and the proceedings had;

16 That the said deposition was taken before
17 me at the time and place specified;

18 That the reading and signing by the
19 witness of the deposition transcript was agreed
20 upon as stated herein;

21 That I am not a relative or employee or
22 attorney or counsel, nor a relative or employee of
23 such attorney or counsel for any of the parties
24 hereto, nor interested directly or indirectly in